



Mary Katherine H. Stukes

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January 13, 2015

Via Federal Express

Mr. David Peacock
Brownfields Program, Compliance Manager
NC DENR, Division of Waste Management
Mail Service Center 1646
Raleigh, NC 27699-1646

**Re: 2014 Land Use Restrictions Update
BASF Facility Brownfields Agreement**

Dear Mr. Peacock:

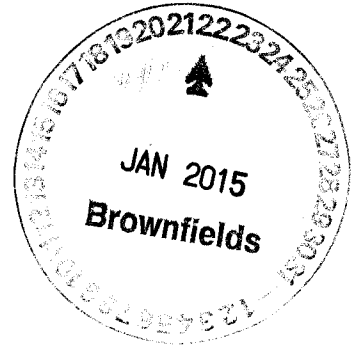
Please find enclosed the 2015 Land Use Restrictions Update (LURU) for Brownfields Project No. 11032-07-60. This Brownfields Property is located in Charlotte, Mecklenburg County, North Carolina at 4350 Chesapeake Drive. The LURU is being submitted on behalf of the property owner, 3F Chimica Americas, Inc. If there are any questions regarding the enclosed LURU, please do not hesitate to contact me at (704) 335-9495.

Sincerely,

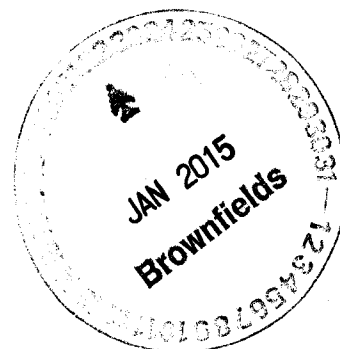
Mary Katherine H. Stukes

Enclosure

cc: Ebenezer Gujjarlapudi (Director, Mecklenburg County Land Use & Environmental Services Agency)



Brownfields Project #: 11032-07-60
Brownfields Property: BASF Facility, 4350 Chesapeake Drive
Property Owner (In whole or part): 3F Chimica Americas, Inc.



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for industrial, laboratory and office purposes. Within the meaning of this restriction, the following definitions apply:

- a. "Industrial" refers to manufacture, storage, warehousing, transportation or processing of goods or materials, using processes that may produce greater than average (though legally compliant) impacts on the environment such as noise, smoke, fumes, vibration, dust, odors, glare, emissions or health or safety hazards outside of the building(s) where such processes occur.
- b. "Laboratory" refers to research and development and quality assurance activities.
- c. "Office" refers to the provision of business or professional services.

In compliance X Out of compliance

Remarks: _____

LUR 2: Surface water and underground water at the Brownfields Property may not be used for any purpose without the prior written approval of the Department of Environment and Natural Resources ("DENR").

In compliance X Out of compliance

Remarks: _____

LUR 3: No mining may be conducted on or under the Brownfields Property, including, without limitation, extraction of coal, oil, gas or any other minerals or non-mineral substances.

In compliance X Out of compliance

Remarks: _____

LUR 4: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in Tables A, B and C of the Notice of Brownfields Property ("Notice"), may be used or stored at the Brownfields Property without the prior written approval of DENR, except:

- a. in *de minimis* amounts for cleaning and other routine housekeeping activities;
- b. as constituents of fuels customarily used in vehicles and landscaping equipment;
- c. as constituents of products customarily used in the manufacture of wastewater treatment polymers and emulsions processing, so long as such products are stored, used and disposed of in compliance with all applicable laws and regulations; or
- d. in laboratory supplies and chemicals.

In compliance X Out of compliance

Remarks: _____

LUR 5: The Brownfields Property may not be used as a park or for sports of any kind, including, but not limited to, golf, football, soccer and baseball, without the prior written approval of DENR.

In compliance ☒ Out of compliance ☐

Remarks: _____

LUR 6: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance ☒ Out of compliance ☐

Remarks: _____

LUR 7: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance ☒ Out of compliance ☐

Remarks: _____

LUR 8: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance ☒ Out of compliance ☐

Remarks: _____

acquired any part of the Brownfields Property during the previous calendar year;

No change during 2014

- b. the transferee's name, mailing address, telephone and facsimile numbers, and contact person's e-mail address, if said owner transferred any part of the Brownfields Property during the previous calendar year; and

No change during 2014

- c. whether the Soil Vapor Extraction system operating on the Property as of recordation of the Notice is operational as of the LURU's submittal. If not, DENR may require the then Property owner(s) to take such actions as DENR determines are necessary to ensure the Property is suitable for the uses specified in LUR 1 above while fully protecting public health and the environment, including without limitation further vapor intrusion assessment or risk assessment.

No change during 2014

In compliance X Out of compliance

Remarks: _____

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice remains recorded at the Mecklenburg County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by 3F Chimica America, Inc., owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Ana Almengor

In the case of owners that are entities:

Signature of individual signing: Ana Almengor.
Name typed or printed: Ana Almengor
Title: Office Manager

In the case of all owners:

Date: January 13, 2015

3F Chimica Americas, Inc.

By: Ana Almengor
Ana Almengor
Office Manager, Fenice Investments, Inc.
(formerly known as 3F Chimica Americas, Inc.)

NORTH CAROLINA
MECKLENBURG COUNTY

I, Claire Danzey, a Notary Public of the county and state aforesaid, certify that Ana Almengor personally came before me this day and acknowledged that she is the Office Manager of 3F Chimica Americas, Inc., a Delaware corporation, and that by authority duly given and as the act of the corporation, the foregoing Land Use Restriction Update was signed in its name by its office manager and attested by her.

WITNESS my hand and official stamp or seal, this 13 day of January, 2015.

Claire Danzey
Name:
Notary Public

My Commission expires: 3-23-2018

[Stamp/Seal]